

Message Text

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ACTION NEA-05

INFO OCT-01 ADP-00 EB-05 AID-07 RSR-01 RSC-01 /020 W

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R 270420Z AUG 73

FM AMEMBASSY DACCA

TO SECSTATE WASHDC 0758

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PASS COPIES NEA/PAB, AID/ASIA/BD

E O 11652 N/A

TAGS BGEN BG

SUBJECT: INTERESTED PARTY MESSAGE

PASS FOLLOWING TO MR. THOMAS B. COLEMAN, PRESIDENT, INTERNATIONAL
TANK TERMINALS LTD., NEW ORLEANS, LA.; CABLE ITT LTD, TEL. (504)
523-1321

QUOTE (A) THANK YOU VERY MUCH FOR RESPONDING QUICKLY TO MY
TELEGRAM AND LETTARS BY SENDING DAVID PADDISON IN TIME. WE MADE
QUITE SUBSTANTIAL PROGRESS DURING DAVID'S STAY IN BANGLADESH RE-
GARDING STORAGE CHARGES, DIVIDEND IOM'S CASE, AND MANY OTHERS.
DAVID MIGHT HAVE INTIMATED YOU BY NOW. (B) FILE OF IOM CAME
FROM LAW DEPARTMENT ON 8TH AUGUST AND WE MET THE SECRETARY IN-
DUSTRY ON 9TH AND WE RAISED THE QUESTION OF IOM. HE CALLED THE
FILE IN OUR PRESENCE AND DISCUSSED ABOUT IOM AT LENGTH, BUT HE
DID NOT COMMIT ANYTHING TO DAVID WHAT HE PERSONALLY COULD DO FOR
IOM. HE REQUESTED DAVID TO SUBMIT ANOTHER MEMORIAL. ACCORDINGLY
DAVID PREPARED AND SUBMITTED 14-PAGE MEMORIAL WITH 39 EXHIBITS ON
13TH, COPY OF WHICH ALREADY SENT TO YOU. SECRETARY TOLD DAVID ON
LAST DAY ON ENQUIRY ABOUT IOM THAT HE WOULD REFER THE CASE TOO
INDUSTRIES MINISTER, AND THERE IS EVERY CHANCE TO REFER THE CASE
TO THE PRIME MINISTER, AND IT MIGHT BE PLACED BEFORE CABINET
MEETING ALSO FOR FINAL DECISION AS THE CASE OF IOM VERY COMPLI-
CATED, ACCORDING TO INDUSTRIES MINISTRY. (C) AT THE INSTRUCTIONS
OF THE SECRETARY, DEPUTY SECRETARY AND JOINT SECRETARY ARE WORKING
ON IOM'S CASE ONCE AGAIN BECAUSE LAW DEPARTMENT EXPLAINED IN
THEIR OPINIONS THAT THERE WAS NO SUCH LEGAL TRANSFER OF REFINING
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PLANT AND MACHINERY ETC. WE HAVE QUOTED SECTION 86(H) AND 153A

OF COMPANY ACT AND SECTION 17 OF REGISTRATION ACT. LAW DEPARTMENT LEFT THE DECISION OF IOM IN THE HANDS OF INDUSTRIES. NOW INDUSTRIES HAVE TO TAKE THE DECISION WHETHER THEY WILL RELEASE IOM IN FAVOUR OF ITT BANGLADESH OR TO DECLARE THAT IOM IS 100 PERCENT PAKISTANI NOW BANGLADESH. INDUSTRIES BECOME VERY SHAKY TO GIVE THEIR FINAL OPINION. (D) ON 23RD I WENT TO SEE SECTION OFFICER OF INDUSTRIES. HE WAS VERY ANXIOUS TO ASSESS THE VALUE OF INVESTMENT MADE BY YOU IN TERMS OF TAKA. I EXPLAINED TO HIM THAT ITT BANGLADESH INVESTED EVERYTHING EXCEPT TWENTY THOUSAND TAKA WHICH WAS IOM'S PAIDUP CAPITAL, AND 1968 BALANCE SHEET OF IOM WILL SPEAK FOR ITSELF. (E) I FEEL UNDER THESE CIRCUMSTANCES YOU SHOULD CABLE MR. BORHANUDDIN AHMED, SECRETARY MINISTRY OF INDUSTRIES, AND WRITZ IN SHORT IMMEDIATELY TO HIM, TO INDUSTRIES MINISTER, AND TO PRIME MINISTER, AND REQUEST EMBASSY TO FOLLOW UP THAT IOM WAS CREATED OUT OF THE ASSETS OF ITT BANGLADESH AND THESE ASSETS ARE (1) REFINING PLANT & MACHINERY, (2) STEAM BOILER, (3) WATER TREATMENT PLANT, (4) ELECTRIC TRANSFORMER, (5) CRUDE OIL WORTH 47 LACS TAKA, AND FINALLY (6) THE RUNNING CAPITAL 44 LACS TAKA WHICH WAS GIVEN BY ITT BANGLADESH. ITT BANGLADESH BORROWED THIS AMOUNT FROM UNITED BANK CHITTAGONG BY RYPOTHECATION OF FOLLOWING PROPERTIES OF ITT BANGLADESH TO BANK: (1) REFINING PLANT MACHINERY, (2) STEAM BOILER, (3) CRUDE OIL, ETC. IOM WAS SETUP IN THE SAME COMPOUND AND ON THE SAME LAND OF ITT BANGLADESH, WHICH ITT BANGLADESH HAD TAKEN FROM PORT AUTHORITY IN 1963 ON LEASE. IN FACT IOM HAS NO ASSETS WHATSOEVER EXCEPT TWENTY THOUSAND TAKA WHICH WAS ONLY PAIDUP CAPITAL OF IOM. MOREOVER IOM HAS NO PERMISSION LETTER TO SET UP REFINERY FROM INVESTMENT PROMOTION SUPPLIES DEPARTMENT OF INDUSTRIES OR DIRECTORATE OF INDUSTRIES. IOM DID NOT HAVE ANY IMPORT LICENCES. PERMISSION LETTERS AND IMPORT LICENCES FOR (1) REFINING PLANT & MACHINERY, (2) STEAM BOILER, (3) WATER TREATMENT PLANT, (4) CRUDE OIL AND OTHER CHEMICALS WERE ISSUED IN FAVOUR OF ITT BANGLADESH. PHOTOSTAT COPIES OF ALL THESE DOCUMENTS WERE SUBMITTED TO YOUR INDUSTRIES DEPARTMENT ONCE AGAIN VERY RECENTLY BY OUR REPRESENTATIVES. THE TRANSFER OF PROPERTIES OF ITT BANGLADESH TO IOM IS CONTRADICTORY TO SECTION 86(H) AND 153A OF COMPANY ACT OF 1913 AND SECTION 17 OF REGISTRATION ACT. (F) REGARDING BUSINESS, WE RECEIVED ONLY FIVE THOUSAND TONS OF CRUDE SOYABEAN OIL DURING 1973. IF EMBARGO IS NOT LIFTED QUICKLY FROM EDIBLE OIL AND TALLOW, THEN TERMINAL WILL REMAIN IDLE AND WILL SUFFER LOSS. PLEASE SEE THAT EMBARGO BE

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LIFTED AS EARLY AS POSSIBLE AND REQUEST FERVENTLY US AID WASHINGTON TO SHIP SOYABEAN OIL CRUDE OR REFINED AND TALLOW IN BULK AS MUCH QUANTITY AS POSSIBLE INSTEAD OF DRUMS. I AM IN TOUCH WITH USAID AND EMBASSY DACCA. (G) IT WILL HELP MATTERS IF MR. MUZAFFAR AHMED CHOWDHURY, 4-D SOBHANBAG COLONY, DACCA, AND MR. BADRUDDIN AHMED, ADVOCATE OF B. AHMED & CO. ADVOCATES, DACCA, ARE APPOINTED ALTERNATE DIRECTORS BY MR. JAMES J. COLEMAN AND PETER DEE COLEMAN RESPECTIVELY, REFERENCE ARTICLES - III. THE DOCUMENT OF APPOINT-

MENTS SHOULD BE SIGNED BEFORE A NOTARY PUBLIC AND SEND IT TO ME
IMMEDIATELY. (H) WITH REGARDS TO YOU ALL AND BEST WISHES TO
DAVID. (SIGNED) NAZMUL UNQUOTE
INTERESTED PARTY.
NEWBERRY

NOTE BY OC/T: NOT PASSED ABOVE ADDRESSEE.

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